

REMARKS

Claims 1, 8, 9, 11, 12 and 14-22 are pending. Claim 11 has been withdrawn from consideration as being drawn to nonelected subject matter.

Claims 2-7, 10 and 13 have been canceled without prejudice.

Claims 15 and 18 have been amended to more clearly define the invention and the dependency of these claims has been modified.

No new matter has been added by way of the above-amendment.

The Examiner has required an election in the present application between:

**Species A:** method of claims 1 and 12; and

**Species B:** method of claim 1 and a further election from each of the following method steps:

- i) the step recited in claim 8 or 21;
- ii) the step recited in claim 14 or 15;
- iii) the step recited in claim 17 or 18.

In response, Applicants elect Species B and further elect the following:

- i) the step recited in claim 21;
- ii) the step recited in claim 14; and
- iii) the step recited in claim 17.

Applicants election is made with traverse. The Examiner states that claims 1, 16, 20 and 21 are generic.

Applicants reasons for traversal are as follows:

The Examiner has required an election as between the step of claim 8 and claim 21. However, claims 8 and 21 do not describe alternatives for carrying out the same step. The step recited in claim 8 provides a definition on the preferred conditions for obtaining phytosterols while the step recited in claim 21 provides definition on the preferred conditions for partitioning

vitamin E and squalene after obtaining phytosterols. Since claims 8 and 21 are not distinct variants for carrying out the same step, it does not make sense to require Applicants to choose one or the other. Reconsideration of this election requirement is respectfully requested.

The Examiner has required an election as between the step of claim 14 and claim 15. However, claims 14 and 15 do not describe alternatives for carrying out the same step. The step recited in claim 15 provides a definition on the preferred solvents usable for carrying out the step recited in claim 14. They are not distinct variants for carrying out the same step. To facilitate inclusion of both claims 14 and 15 for further examination, Applicants have amended claim 15 to be dependent on claim 14 instead of claim 1. Reconsideration of this election requirement is respectfully requested.

The Examiner has required an election as between the step of claim 17 and claim 18. However, claims 17 and 18 do not describe alternatives for carrying out the same step. The step recited in claim 17 provides definition on the preferred temperature and pressure range for carrying out step (ii) of claim 16 while the step recited in claim 18 provides definition on the preferred temperature and pressure ranges for carrying out all steps (i), (ii) and (iii) of claim 16. They are not distinct variants for carrying out the same step. To facilitate inclusion of both claims 17 and 18 for further examination. Applicants have amended claim 18 as follows:

*18. A method as claimed in claim 17, wherein the first stage short path distillation is carried out at a temperature of 70°C to 120°C and pressure between 10 mTorr to 50 mTorr; the second stage short path distillation is carried out at temperature of 130°C to 200°C and pressure less than 1 mTorr; and the third stage short path distillation is carried out at a temperature below 120°C and pressure less than 1 mTorr.*

Reconsideration of this election requirement is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Registration No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

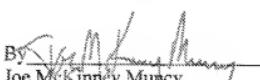
Attached is a Petition for Extension of Time.

Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: April 24, 2007

Respectfully submitted,

By   
Joe McKinney Muncey  
Registration No.: 32,334  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant